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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,095	07/06/2001	Tomonori Hamada	1602-0173P	2746

2292 7590 04/06/2005

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,095

Applicant(s)

HAMADA ET AL.

Examiner

Gregory J. Strimbu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 18 and 26-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 18 and 44 is/are allowed.
- 6) ☒ Claim(s) 26-35, 38-41, 45 and 46 is/are rejected.
- 7) ☒ Claim(s) 36, 37, 42 and 43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Drawings

The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 4, 2003 and July 16, 2003 have been approved.

Claim Rejections - 35 USC § 112

Claims 26-31 and 45 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "said center portion contacting said first lip at a first point" on lines 17-18 of claim 26 render the claims indefinite because it is unclear how the center portion of the first lip can contact itself at a first point.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-28, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Nozaki et al. Nozaki et al., in figure 3, discloses a door glass run 4 attached to a door sash 2 of a vehicle for sealing between the door sash and a door glass 3, comprising a door glass run body having a substantially U-shaped cross section and including a bottom wall (not numbered, but shown in figure 3)

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and first 42 and second 43 legs projecting from the bottom wall, the first and second legs each having an end portion (not numbered, but shown in figure 3) and first 44 and second 45 lips extending from the first and second end portions toward the bottom wall, the first lip having a proximal end (not numbered, but shown in figure 3) connected to the first leg end portion, a distal end portion (not numbered, but shown in figure 3), and a center portion (not numbered, but shown in figure 3) between the distal end portion and the proximal end, the first and second lips adapted to slidably engage the door glass, a portion of the first leg defining a protrusion 46 having an arcuate first lip engaging surface (not numbered, but shown in figure 3), the center portion contacting the first lip at a first point (not shown), and the center portion contacting the door glass at a second point (not shown) spaced from the first point, wherein a distance from the first leg end portion to the second point is greater than a distance from the first leg end portion to the first point. It should be noted Nozaki et al. only need be capable of functioning as recited by the applicant to anticipate the claimed invention since the applicant is only claiming the subcombination of a door glass run. Since Nozaki et al. is at least capable of contacting a door glass (not necessarily the one shown in the figures of Nozaki et al.) as recited in the claims, it anticipates the claimed invention.

Claim 38 is rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto. Okamoto, in figure 8, discloses a door glass run 60 attached to a door sash 50 of a vehicle for sealing between said door sash and a door glass 54, comprising a door glass run body 56 having a substantially U-shaped cross section and including a bottom

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wall (not numbered, but shown in figure 8) and first and second legs (not numbered, but shown in figure 8) projecting from said bottom wall, said first and second legs each having an end portion (not numbered, but shown in figure 8); and first 58A and second 58B lips extending from said first and second end portions toward said bottom wall, said first lip having a proximal end (not numbered, but shown in figure 8) connected to said first leg end portion and a distal end portion (not numbered, but shown in figure 8) and a center portion (not numbered, but shown in figure 8) between said distal end portion and said proximal end, said first and second lips adapted to slidably engage the door glass; a portion of said first leg defining a protrusion 62 having an arcuate first-lip engaging surface (not numbered, but shown in figure 8), said protrusion engaging said first lip at a point closer to said proximal end than to said distal end.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Nozaki et al. Nozaki et al., in figure 3, discloses a door glass run 4 attached to a door sash 2 of a vehicle for sealing between the door sash and a door glass 3, comprising a door glass run body having a substantially U-shaped cross section and including a bottom wall (not numbered, but shown in figure 3) and first 42 and second 43 legs projecting from the

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bottom wall, the first and second legs each having an end portion (not numbered, but shown in figure 3) and first 44 and second 45 lips extending from the first and second end portions toward the bottom wall, the first lip having a proximal end (not numbered, but shown in figure 3) connected to the first leg end portion, a distal end portion (not numbered, but shown in figure 3), and a center portion (not numbered, but shown in figure 3) between the distal end portion and the proximal end, the first and second lips adapted to slidingly engage the door glass, the first lip being configured to maintain contact with the door glass when the door glass presses the second lip against the second leg, the second lip being configured to maintain contact with the door glass when the door glass presses the first lip against a protrusion 46 having an arcuate first lip engaging surface (not numbered, but shown in figure 3) and having being configured to prevent the distal end portion from contacting the first leg when the first leg center portion engages the door glass. Figure 3 of Nozaki et al. is silent concerning the material of the protrusion being the same as the material of the first leg.

However, figure 1A of Nozaki et al. discloses an anti-rattling protrusion 47 which comprises the same material as the first leg 42.

It would have been obvious to one of ordinary skill in the art to make the first leg and the protrusion of figure 3 of Nozaki et al. from the same material, as taught by figure 1A of Nozaki et al., to reduce the cost of manufacturing the door glass run.

Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. as applied to claims 26-28 above, and further in view of Okamoto.

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Okamoto, in figure 8, discloses a protrusion 62 having an arcuate first-lip engaging surface (not numbered, but shown in figure 8), said protrusion engaging said first lip at a point closer to said proximal end than to said distal end.

It would have been obvious to one of ordinary skill in the art to move the protrusion of Nozaki et al., so that the protrusion engages said first lip at a point closer to said proximal end than to said distal end, to maintain further prevent rattling by increasing the flexibility of the first lip.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. as applied to claims 26-28 above, and further in view of Dover. Dover discloses a door glass run 30 having a first leg (not numbered, but shown on the right in figure 1) and a first lip (not numbered, but shown on the right in figure 1), the first leg includes a concave notch (not numbered, but shown at the juncture of the first leg and first lip) adjacent and partially defined by the proximal end of the first lip.

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al. with a notch, as taught by Dover, to increase the ease with which the first lip can pivot with respect to the first leg.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. as applied to claims 32-34 above, and further in view of Dover. Dover discloses a door glass run 30 having a first leg (not numbered, but shown on the right in figure 1) and a first lip (not numbered, but shown on the right in figure 1), the first leg includes a

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concave notch (not numbered, but shown at the juncture of the first leg and first lip) adjacent and partially defined by the proximal end of the first lip.

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al. with a notch, as taught by Dover, to increase the ease with which the first lip can pivot with respect to the first leg.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of Okamoto as applied to claims 38-40 above, and further in view of Dover. Dover discloses a door glass run 30 having a first leg (not numbered, but shown on the right in figure 1) and a first lip (not numbered, but shown on the right in figure 1), the first leg includes a concave notch (not numbered, but shown at the juncture of the first leg and first lip) adjacent and partially defined by the proximal end of the first lip.

It would have been obvious to one of ordinary skill in the art to provide Nozaki et al., as modified above, with a notch, as taught by Dover, to increase the ease with which the first lip can pivot with respect to the first leg.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. as applied to claims 26-28 above. Figure 3 of Nozaki et al. is silent concerning the material of the protrusion being the same as the material of the first leg.

However, figure 1A of Nozaki et al. discloses an anti-rattling protrusion 47 which comprises the same material as the first leg 42.

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It would have been obvious to one of ordinary skill in the art to make the first leg and the protrusion of figure 3 of Nozaki et al. from the same material, as taught by figure 1A of Nozaki et al., to reduce the cost of manufacturing the door glass run.

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nozaki et al. in view of Okamoto as applied to claims 38-40 above. Figure 3 of Nozaki et al. is silent concerning the material of the protrusion being the same as the material of the first leg.

However, figure 1A of Nozaki et al. discloses an anti-rattling protrusion 47 which comprises the same material as the first leg 42.

It would have been obvious to one of ordinary skill in the art to make the first leg and the protrusion of figure 3 of Nozaki et al. from the same material, as taught by figure 1A of Nozaki et al., to reduce the cost of manufacturing the door glass run.

Claims 1, 18 and 44 are allowed.

Allowable Subject Matter

Claims 30, 31, 36, 37, 42 and 43 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record, absent applicant's own disclosure, fails to teach the

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entire combination of elements set forth in the claimed invention. Specifically, the prior art of record fails to teach a concave notch portion at a base end portion of one of the lips having a depth equal to or less than 0.5mm. See lines 19-21 of claim 1, lines 1-2 of claims 30, 31, 36, 37, 42, 43 and lines 20-22 of claim 44.

Response to Arguments

Applicant's arguments filed December 22, 2004 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979 or 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486 or 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
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April 1, 2005